

ENVIRONMENTAL HEALTH DEPARTMENT

LAND USE AGENCY

810 COURT STREET • JACKSON, CA 95642-2132 • PHONE (209) 223-6439 • FAX (209) 223-6228



October 22, 2007

Ms. JoAnn Jaschke
Cal/EPA Unified Program
P. O. Box 2815
1001 I Street
Sacramento, CA 95812

Re: Amador County CUPA Evaluation and Progress/Update October 2007

Dear Ms. Jaschke:

Amador County Environmental Health is please to submit a report on the progress achieved in addressing the deficiencies identified in the September 8, 2006 CUPA evaluation date. Actions taken to address the remaining deficiencies identified in the August 8, 2007 CAL-EPA "CUPA Evaluation and Response to Deficiency Progress Report" are discussed by program element and identified deficiency.

Unified Program Administration

Deficiency No. 4 - The CUPA does not have AEO forms incorporated into the Inspection and Enforcement Plan.

A final draft revised Hazardous Materials Ordinance and Inspection and Enforcement Plan, which contains the Administrative Enforcement Order policy has been approved by the Ad Hoc Committee of the Board of Supervisors on Code Enforcement, with minor revisions, for submission to the Board of Supervisors for approval. Consultations with the District Attorney and the Health Officer have been conducted and their approval obtained. The Ad Hoc Committee and County Counsel conducted an extensive review of the draft Hazardous Materials Ordinance and draft Inspection and Enforcement Manual. A final draft was conceptually approved by the committee and submitted to County Counsel for review and submission to the Board of Supervisors for approval on September 7, 2007. Copies of the final draft Hazardous Materials Ordinance and Inspection and Enforcement Plan are attached as an appendix.

Hazardous Materials Release Plans and Inventory Programs

Deficiency No. 7 – The CUPA Area Plan does not contain all the required elements.

A notice of intent to apply for a 2007 / 2008 Hazardous Material Emergency Preparedness grant (Grant) was submitted to Region IV LEPC on June 18, 2007. The Board of Supervisors approved the submission of the Grant application on the July 10, 2007 consent calendar. A completed

Grant application was hand delivered to the OES Region IV LEPC staff at the Region IV LEPC meeting on July 17, 2007. The grant application proposes to hire an experienced consultant to prepare the area plan in coordination with Environmental Health.

Notification was received from the Governor's Office of Emergency Services on October 3, 2007 that the project and grant had been approved. Signed acceptance forms for Grant No. HEMCA 7033150 were returned to Emergency Service on October 12, 2007.

Deficiency No. 9 – CUPA is not inspecting all businesses subject to the business plan for compliance every three years.

17 hazardous materials business plan inspections and 6 UST / hazardous materials business plan inspections were conducted in this reporting period. Delegation of hazardous materials business plan inspections of agricultural facilities to the Agriculture Commissioner has not yet been completed.

Deficiency No. 10 – CUPA is not requiring businesses, subject to the hazardous materials reporting requirements to annually submit their hazardous materials inventory or certification statement.

Permit fees are invoiced in December and due in January of each year. Certification statements are enclosed with the annual fee invoices. Review of certification statements, permit conditions, and permit fee payment is conducted as part of the annual permit renewal. Facilities that have not submitted certification statements, hazardous materials inventory statements, or have out dated hazardous materials business plans are not issued current permits.

A status report on the Hazardous Materials Ordinance and Inspection and Enforcement Plan which contains the Administrative Enforcement Order policy is provided in Deficiency No. 4. Copies of the final draft Hazardous Materials Ordinance and Inspection and Enforcement Plan are attached as an appendix.

Deficiency No. 11 – CUPA is not requiring businesses, subject to the hazardous materials reporting requirements, to certify and review the update of the entire business plan every three years.

Review of existing hazardous materials business plans are conducted as part of the annual permit renewal. Facilities without dated business plans (3 years since last submittal) are requested to submit new updated plans. The final draft Inspection and Enforcement Plan requires the submission of a new hazardous materials business plan application and supporting documentation for the issuance of the 3 year permit.

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California Accidental Release Prevention Program

Deficiency No. 12-- The CUPA has not established a dispute resolution procedure.

A dispute resolution procedure for the California Accidental Release Prevention Program is included in the final draft revised Hazardous Materials Ordinance and Inspection and Enforcement Plan as provided by section 2780.1(5). The Hazardous Materials Ordinance and Inspection and Enforcement Plan contains a dispute resolution procedure (see page 10-30 - Opportunity to Correct and Notice of Violation letters). .

Thank you for your help and assistance in the addressing of the deficiencies in the Amador County CUPA Program. Please call me at (209) 223-6439 if you have any questions.

Very truly yours,



Robert Fourt, REHS
Amador County CUPA Program

RF:ew

Enclosure

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Cal/EPA Response to the corrective actions taken by Amador County's CUPA

Response to October 22, 2007 update

Previously Corrected Deficiencies: 1, 2, 3, 5, 6, 8, 13- 19, 20, 21, and 22

Remaining Deficiencies: 4, 7, 9, 10, 11, and 12

Unified Program Administration

- 4. Deficiency:** The CUPA does not have AEO forms incorporated in their Inspection and Enforcement Plan.

Cal/EPA Response: Cal/EPA is please to learn that the final draft of the revised Inspection and Enforcement Plan was submitted to County Counsel for review and submitted to the Board of Supervisors for approval on September 7, 2007. Cal/EPA will consider this deficiency in progress of being corrected until the revised Inspection and Enforcement Plan is approved by the Board of Supervisors.

Hazardous Materials Release Plans and Inventory Programs

- 7. Deficiency:** The CUPA's Area Plan does not contain all the required elements.

Cal/EPA Response: The CUPA was awarded a grant to assist them in updating their Area Plan. Cal/EPA will consider this deficiency in progress of being corrected until the Area Plan includes all the required elements.

- 9. Deficiency:** The CUPA is not inspecting all the businesses subject to the business plan program for compliance at least once every three years.

Cal/EPA Response: Cal/EPA will consider this deficiency in progress of being corrected until the CUPA is meeting the required inspection frequency.

- 10. Deficiency:** The CUPA is not requiring businesses, subject to the hazardous materials reporting requirements, to annually submit their hazardous material inventory or certification statement.

Cal/EPA Response: Cal/EPA will consider this deficiency in progress of being corrected until the CUPA is requiring businesses, subject to the hazardous materials reporting requirements, to annually submit their hazardous material inventory or certification statement

11. Deficiency: The CUPA is not requiring a business to certify the review and update of their entire business plan every three years. To correct this deficiency, the CUPA will ensure that each handler reviews the business plan, submitted pursuant to subdivision (a) or (b) at least once every three years after the initial submission to determine if a revision is needed and shall certify to the administering agency that the review was made and that any necessary changes were made to the plan. A copy of those changes shall be submitted to the administering agency as a part of that certification.

Cal/EPA Response: Cal/EPA will consider this deficiency in progress of being corrected until the CUPA is requiring businesses to certify the review and update of their entire business plan every three years

California Accidental Release Prevention Program

12. Deficiency: The CUPA has not established a CalARP dispute resolution procedure.

Cal/EPA Response: Cal/EPA will consider this deficiency in progress of being corrected until the CUPA has a CalARP dispute resolution procedure.